

**ARIZONA STATE PARKS
NATURAL AREAS PROGRAM ADVISORY COMMITTEE
(NAPAC)**

Minutes of the meeting held:

Thursday, December 18, 2008

at:

602/771-9960

NAPAC members and the general public participating via telephone

A. CALL TO ORDER AND ROLL CALL

Chair Hare called the meeting to order at 1:02pm. The following people were present, and the Committee achieved a quorum.

Committee Members Present: Trevor Hare, Chair
Sheridan Stone, Vice-Chair
Don Young
John Hays
Phyllis Hughes
Linda Kennedy

Committee Members Absent: Max Castillo, ASP (*ex-officio*)

Other Individuals Present: Dan Shein, ASP
Joanne Roberts, ASP
Ray Warriner, ASP
Ruth Shulman, ASP

Guests: None

B. INTRODUCTION OF MEMBERS AND STAFF

This item dispensed with in the interest of time.

C. OLD BUSINESS

1. Approval of NAPAC Minutes for the October 23, 2008 meeting.

Ms. Hughes and Dr. Young had provided changes to the minutes via eMail previous to the meeting and Ms. Shulman noted that these changes had been made. They were minor corrections to phrasing and removal of duplicate words in a sentence. Ms. Kennedy asked that some changes be made to page 4, 3rd paragraph regarding the Nature Conservancy on any parcels, removing the sentence beginning with "Chair Hare", and that the full names of the new appointees be added, and that the applicant information be made part of the record.

Ms. Shulman reminded the members that discussion of amendments to the minutes should be carried out at the meeting rather than through eMail in order to ensure that all members are informed and involved in the discussion.

Mr. Hays moved that the minutes be accepted as amended. Dr. Young seconded the motion, which carried with no further discussion.

D. NEW BUSINESS

1. Recruitment for remaining NAPAC opening.

Ms. Shulman asked NAPAC members to provide her with names and contact information for individuals who could be invited to apply for the remaining opening. Mr. Hays will continue to serve until a new member is appointed, but presenting a new candidate to the ASP Board quickly will ensure a smooth functioning NAPAC. Ms. Hughes suggested canvassing the new members for names as well.

E. SUBCOMMITTEE REPORTS

1. Natural Areas Management Guidelines (NAMG) committee: Update and report on progress

Ms. Hughes asked for an update on the Guidelines. Ms. Roberts noted that several people had provided their assignments toward completing the document, however there was still some information to be provided by Chair Hare. He noted that he would be providing his assignment by the end of the week of December 22, 2008.

2. Land Acquisition and Prioritization Subcommittee: Update and report

Chair Hare asked whether Ms. Hughes would lead the discussion. She noted that the last meeting of the subcommittee was attended by Ms. Roberts, Dr. Young, and Mr. Stone. The purpose was to see how previously evaluated properties scored using the new prioritization scorecard. She noted that the discussion was lengthy for the one property that was discussed at this meeting. Opinion differed as to the methodology of arriving at a score, however the eventual score was agreed upon by all.

The subcommittee is asking NAPAC for some further direction, especially as Mr. Stone's input provided a new view. Ms. Hughes noted that she, Dr. Young and Ms. Roberts had been rating criteria subcategories using a range of number, whereas Mr. Stone noted he felt more comfortable using a "fixed" score to rate the criteria. The subcommittee members (to a certain extent) rated the remaining properties outside of the meeting, prior to this NAPAC meeting.

Ms. Hughes also noted that consensus was reached through averaging scores on each subcategories. She said that she felt more refining of the categories in the Scorecard was necessary. Ms. Roberts was asked to forward to NAPAC Commonwealth of Virginia prioritization document that served as a model for this scorecard. Changes to the model were based on NAPAC's charge from the ASP Board and the statutory requirements.

Ms. Hughes noted that question number six, regarding development pressure, caused the most discussion. She said that two diametrically opposed views arose as to scoring that question in a negative manner (deducting points) or a positive manner (adding points). She also said that Dr. Young was working on a new way to view development pressure, and that the Virginia document does not address the question, except in a "sideways" manner. She said it may work for the question to be removed from the NAPAC version of the scorecard.

Ms. Hughes also said that, in reviewing the properties not discussed at the last subcommittee meeting, that she noticed a deficiency in the comprehensive of comment in the site evaluation form. If a person does not make a site visit, in other words, she feels the site evaluation form is insufficient to provide information to help rate a property using the scorecard.

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She said that, as noted, some refinements are needed, and that although Dr. Young's term on NAPAC expires he will continue to serve on the subcommittee.

Ms. Roberts said that she would like to see about some refinement in grouping the criteria. Also, when using the scorecard, the site evaluation should be only one piece of material used to rate the criteria on the scorecard. All pieces of information regarding a property should be used. Another point from Ms. Robert was about the discussion around revising the Virginia document to produce this scorecard. During several meetings, some criteria were removed, some were put in, and some were added from the Virginia appendix.

Ms. Roberts noted that she had received one other evaluation of the Sonoita Creek Ranch, the Erck Property and Huggett Property (the remaining three properties) after the last subcommittee meeting. She said that Ms. Hughes had difficulty with the Huggett property rating based on the "technical merit" section, which is related to the statutory necessity (outstanding hydrological, geologic, etc. features as noted). This technical merit is a prime concern, and Ms. Roberts noted that she could not determine those merits as easily as she might have, having been involved in the discussions. However, Ms. Roberts noted that Ms. Hughes's scores and hers were not very far apart overall.

Chair Hare noted that as he rated the Erck property he had to go back to the NAPAC discussion at the meeting following the site visit. He had rated the property a 75, which means there was a wide range of scores on that property. Ms. Kennedy asked for a clarification on which property was the Erck. (It is part of the Verde River properties evaluated for the Greenway.)

Chair Hare discussed his reasoning on the rating for the Huggett property, which he felt met all three technical merit criteria based on its location near the Oracle State Park property, and the reason for the purchase as a buffer. He did, however, not rate those merits very highly. Ms. Hughes noted that purchasing a property as a buffer is used as a reason, but that the buffer must tie back to a substantive reason in the technical merit section. Dr. Young suggested adding buffering as its own criteria. Ms. Kennedy said that under the language for the technical merit under number 1, the "global, national, state or local" rubric is a broad area for inclusion. Ms. Hughes said that the language in bold-faced underlined are taken directly from the statute. Other language comes from the 1999 charge to NAPAC from the ASP Board, which is what broadened the language. She finds matching properties to the statutory definition is difficult, especially with regard to the word "unique" as used in the statutory. Mr. Warriner noted that, with the Huggett property, there had been some discussion during the site visit of the property being an important wildlife corridor. Mr. Stone disagreed, saying that the discussion occurred but he did not feel the importance as a corridor had any real weight. Ms. Hughes said that the site evaluation form did not mention a wildlife corridor.

Dr. Young said that regarding the "global, national, state, or local" language, prior to that phrase there is a prior phrase "or some other specific characteristic" which should cover buffering and other situations. Chair Hare agreed, and then recalled the discussion at the Huggett site visit that led to the wildlife corridor mention.

Ms. Hughes read from the recommendation to the ASP Board to purchase the Huggett property: "The parcel provides critical buffering or connectivity for land that contains natural resource values that would be eligible under criteria one through four." Those criteria are the criteria listed in the statute. Ms. Hughes felt that there was not enough "to hang your hat on"

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under the criteria for the Huggett property. Chair Hare said that the discussions held by NAPAC members at meetings and during site visits are perhaps the critical missing piece of this puzzle as regarding this discussion. Ms. Hughes noted that tying the site evaluation information back to the statutory criteria is difficult. Dr. Young suggested adding a footnote. Ms. Roberts asked for clarification on the footnote – would that footnote be added to the notes on the evaluation form or a definition on the scorecard itself. Dr. Young said that it should be noted on the site evaluation but would also be important on the scorecard, perhaps as a definition. Ms. Roberts said that codifying definitions might lead to other issues. Further discussion followed, circling back to capturing NAPAC discussions following site evaluations. Chair Hare mentioned the Madrean Oak Woodlands as being rare on the global scale, as far as the Huggett property.

Chair Hare then mentioned criteria number six, where he agrees that using a deductive point shouldn't happen, but that using some of the language from the Virginia document and widening the definition outside of simply development pressures would help. Ms. Hughes still feels that removing criteria six would be helpful. Ms. Kennedy noted that if the information is covered elsewhere, that provides the information with a heavier weight than is intended. Leaving the information in is a good thought exercise. Dr. Young says that criteria four and five also covers development, but six is specifically about land being in immediate danger of being "tile-roofed" (meaning being inundated in a sea of housing). Ms. Hughes says that the category rates ten points, and maybe those points should be spread among other items. She continued by saying that the concern is whether the property should be saved from being "tile-roofed" or whether the surrounding development would degrade the natural resources beyond value. Ms. Kennedy says she feels that is a separate issue, since acquisition is time-dependent. She suggested adding a separate scorecard for timely issues. Ms. Hughes noted that the Virginia document contains a checklist of sorts once the properties are scored. The checklist is gone over at the time of purchase, more or less.

Ms. Kennedy noted that, as a stylistic concern, some criteria contain more than one question, which she finds awkward. She also questions using an average score from a statistical viewpoint. She says that a statistician should look at the scores. Ms. Hughes says that she recommends using a consensus rather than an average. Mr. Stone says that the statistical question is a very important one. Ms. Shulman says that ASP has a statistician on staff, Dawn Collins. Ms. Kennedy says that she feels the statistical bent is more sociologic than biologic, and this creates some issues in her view. Mr. Stone agreed, and says that the meaning of the numbers should be provided by a statistician, or, that a range of numbers be the score. Ms. Hughes says that the subcommittee discussed a range as a threshold for properties. Mr. Stone says that a statistician should analyze the scorecard and the scores resulting therefrom, especially as the criteria are not independent of each other, which affects the weight of any particular criteria. He says that the statistical correctness is a "big deal". Ms. Hughes notes that a lack of a prioritization system is also a big deal. A system can be refined as it is used. Chair Hare said that the scorecard should be a living document.

Chair Hare asked Ms. Roberts about her opinion of consensus vs. averaging. Ms. Roberts said that she has experience with both, and she likes the idea of everyone having the same information to review and use for providing a score. She likes the follow-up discussions that occur during a consensus review, which can provide differing viewpoints. Both consensus and averaging work, but which is adopted depends on the overall value the committee used. Overall, she feels on the fence. Chair Hare suggests using both.

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Mr. Shein said that Ms. Shulman should discuss how the grants rating team uses consensus to determine a grant score to award funds. Ms. Shulman noted that each grant program has specific grant criteria, set by the relevant advisory committee, which are discussed with each grant rating team member. Each team member then reviews the grant applications separately and arrives at a score using the criteria. The scores are then discussed amongst the rating team members at the grant-scoring meeting, and a final score is arrived at by consensus following this discussion. There is no averaging of scores; the rating team must arrive at a consensus. Ms. Hughes says that as a legal council to Boards and Commissions, she has seen both consensus and averaging work, but from a litigation view, consensus can be easier to support. She also noted the difference between a fixed score and a range of number makes a difference.

Ms. Hughes discussed the ranges especially under the "Size and Condition" criteria. Mr. Stone said that with a fixed score the property needs to reflect a quantitative view of that property. He feels that a range of numbers allows for more subjectivity, which removes the quantitative importance to come out. Further discussion followed on subjectivity and objectivity. Dr. Young feels that the range of expertise on the committee allows for an "educated subjectivity" given that a biologist and a hydrologist will view features differently. Chair Hare agreed. Ms. Kennedy said that it may be that the reviewers should be ranked, by expertise within a specific ecosystem, since there is the range of expertise. Should Ms. Hughes, as an attorney, have an opinion that weighs the same as an ecologist about the ecological features. Ms. Kennedy finds that this aspect makes her very much appreciate the discussions that follow a site evaluation. Ms. Hughes says that scoring the prioritization scorecard should be a group process, with discussion and consensus. Mr. Stone says that the assumption that a wide range of variability in opinion is a bad thing, which he does not want adopt as an assumption. Further discussion about discussing scores and consensus followed. Chair Hare suggested that using the scorecard and refining it as it goes along. Ms. Roberts said that what she would like to hear from NAPAC is that if there are no major revisions on the scorecard as presented today, she would like to discuss the statistics view with Dawn Collins and refine the scorecard before it goes into use.

Chair Hare asked if the ASP Board needs to approve the scorecard. Ms. Roberts said that, per Assistant Director Ream, the Board does not need to approve the scorecard. Rather, it would be a tool NAPAC uses to arrive at a recommendation for the Board. She says that the discussion should be had about whether it becomes a Board policy. Mr. Shein says that he would favor having the ASP Executive Staff approve the scorecard, and not locking NAPAC into a formal approval process by making the scorecard a Board policy. Future revisions would be more difficult. Chair Hare suggested putting the scorecard into a Board information packet, advising the Board that a process is underway. The Auditor General's requirement means the scorecard should become an official policy at some point, but not before it is tested.

Chair Hare then asked Ms. Roberts if there were more test properties available. Ms. Roberts asked for clarification as to whether he meant previous properties (as with the subcommittee) or completely new properties. Chair Hare said he meant previous properties on which there had been no forward motion, such as the Verde River. Ms. Roberts outlined specific properties available. Mr. Warriner could put together a list. He said that at the moment there is approximately \$2.8 million available in the Heritage Fund NA acquisition fund. Dr. Young says that having the new members review the scorecard would be good for the process, considering the new view, as it were. Chair Hare also suggested some people outside of ASP all together that could be helpful. Mr. Stone says that outside people would need more

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definition of the language used, which is not really fair. However, an idea of how outside people interpret items might be helpful.

Mr. Stone said that with regard to criteria 6 and 6A, there should be some conceptual consideration of effects from human activity or development threat. Would those threats affect the timetable of acquisition, or in other words, Mr. Stone returned to the earlier question of whether the property should be purchased to save it, or whether surrounding development would degrade any natural resources beyond value. Would answering that question affect the timetable? Both scenarios could provide a criterion on the scorecard, or the group could choose one or the other, or neither for the scorecard. It does provide an important thought exercise. Ms. Hughes says that the original Virginia document breaks the question into the two scenarios. Mr. Stone says he is fine with that, as Virginia puts it in the checklist. Ms. Roberts said that the checklist occurs following the prioritization process. Ms. Hughes says that Virginia lists eight “secondary considerations” on their checklist. Mr. Stone asked whether the checklist K3 was used for a single property or multiple properties. Ms. Roberts said that single property purchases require the checklist process prior to purchase. Ms. Hughes said that some of these secondary considerations involve information that may not be available during the prioritization process. Ms. Roberts also noted that Virginia is in the process of updating their scorecard, and she is not sure when the update might occur. Further discussion followed on prioritization processes with other states.

Ms. Roberts she sees her tasks as working with Dawn Collins, Dan Shein and Ruth Shulman regarding the ASP portions of the scorecard. She asks that if there are other questions or comments, those be forwarded through Ms. Shulman.

Dr. Young asked about the status of criteria 6 and 6A. Chair Hare said that 6A could be removed, and 6 should be made clear that it does not refer to development only. Mr. Stone asked about whether that would include economic factors, fire management, pollution; anything that could affect the property outside the control of anyone, which would render a score meaningless. The question is then bigger than can be solved today. Mr. Stone asked whether external development factors should be on the scorecard at all. NAPAC members agreed that the question should remain on the scorecard. That returns to the unanswered question of which way the discussion “cuts” as the earlier discussion with Mr. Stone regarding the timing of a purchase and the value. Mr. Warriner said that these items might be found out prior to a site visit and would cloud the view, so to speak. Ms. Hughes said that originally, the question was dealt with by saying any imminent development makes a property more of a priority for acquisition, but later that was reversed. Ms. Kennedy suggested wording the question in a manner that will refer to whether the purchase would prevent further damage or development. Mr. Stone says that represents a third scenario. Further discussion followed on the question. Dr. Young said that he is looking more and more at the Virginia checklist model. Ms. Hughes suggested that members work individually on a wording that would cover the question. More scenarios were presented for properties that would be affected in several different ways. Ms. Hughes suggested adding a category in itself that would deal with the “march of development” that would cover development and other human activity. However, this still begs the question of whether it would be scored as a positive or a negative. Mr. Warriner says that properties should be protected, which makes the score a positive. He does know that everyone does not feel the same way. Ms. Kennedy reiterated her idea of whether the purchase protects a Natural Area as defined.

Mr. Stone said that category number three might cover the question. Ms. Kennedy says that #3 should be worded more strongly, and be weighted more heavily if it is used. She says that

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the “island effect” should be avoided. Ms. Roberts said that 6 should be reworded and reweighted, and reweighting 3. The subcommittee can work on this and be run by the committee via eMail for review prior to the next meeting. The final idea is to arrive at whether the purchase protects the natural areas elements. If that is a ‘yes’ then the next question will begin to parse the question into the components already discussed. Ms. Roberts will be in touch with Mr. Warriner, Ms. Hughes and Dr. Young after the beginning of the new year.

Dr. Young said that, as a housekeeping item on #9, he reworded the item on water rights being about quality and quantity for operations. Ms. Kennedy asked for a clarification of the term “operations”. Ms. Roberts said that pertains to daily management of ecological restoration, for example. Ms. Kennedy asked about parcels that don’t need restoration. Ms. Roberts says this is a good question, and then applies only to law enforcement. Dr. Young offered to remove the operations section, and widen the definition of water use. Mr. Warriner said that he has an issue with the water rights discussion, seeing that a great piece of property may not come with water rights, and this should not affect the natural areas values. Mr. Warriner then discussed his understanding of water rights, which turned out not to be correct. The conversation turned to whether anyone is pumping out of the land, if the water rights are not owned by ASP, there is no recourse to the destruction of the land. Ms. Hughes discussed the difference between surface water rights and ground water rights. Ms. Roberts said that the water rights component was in there to emphasize the importance of water to the maintenance of a natural area. Discussion of the surface water rights vs. ground water rights, and the amount of active restoration and maintenance followed including a discussion of specific case law with ground water rights. Ms. Hughes noted that the agency must conduct due diligence prior to any purchase and that the water rights among other issues belong to the due diligence process. Mr. Stone said that a water criterion still belongs in the scorecard, and how that information factors in should be determined by the subcommittee.

Dr. Young went on to say he had added some information about rights-of-way, easements and leases to number 15 on the scorecard. This is another due diligence issue, however the information will often be available when the scorecard is completed. Mr. Warriner said that a formal title report is not done until ASP is ready to go into escrow, however the seller has an obligation to disclose any encumbrances. Mr. Warriner says it should be disclosed during the negotiations to purchase any particular property. Mr. Stone says that it is important to keep in mind that some information will not be available during the prioritization process, and some information, if known, may be dynamic.

Ms. Hughes asked if all the comments on the comment matrix were incorporated. Dr. Young said they were. Further discussion followed on which version of the document everyone was looking at the moment. Chair Hare declared the discussion closed.

F. PUBLIC COMMENT

None.

G. BOARD COMMENTS, REQUESTS, AND ITEMS FOR FUTURE AGENDAS

Item on NAPAC structure and reexamination of the NAPAC charge (carried over from 10/23/08 meeting,) election of officers, new member orientation its structure and including subcommittee assignments for new members, discuss November Board presentation. Ms. Roberts asked whether, in regards to the orientation, is the current binder valuable, and what ideas would help

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new members orient more easily. The Travel Claim Form issue should be work better since all the pieces are in place, and the Open Meeting Law orientation should be handled by Joy Hernbrode. Ms. Hughes asked to have setting the meeting dates at the next meeting. Ms. Shulman will follow up with new members, along with the new meeting date.

H. TIME AND PLACE OF FUTURE MEETINGS

Thursday, January 15, 2009 – location TBA.

I. ADJOURNMENT

Chair Hare adjourned the meeting at 3:30pm.

Prepared by Ruth Shulman on December 31, 2008, and reviewed by Joanne M. Roberts, Arizona State Parks NAPAC Coordinator.

APPROVED BY A UNANIMOUS VOTE OF THE NATURAL AREAS PROGRAM
ADVISORY COMMITTEE ON

Affirmed by:

/s/ Ruth Shulman for
Trevor Hare, Chair

Date: 1/1/5/09